

**RECEIVED  
CENTRAL FAX CENTER**

**DEC 27 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                             |  |                       |         |
|-----------------------------|--|-----------------------|---------|
| <b>Application Number</b>   | 09/849168                                    | <b>Docket Number</b>  | DT.0101 |
| <b>Filed</b>                | 05/04/01                                     | <b>Group Art Unit</b> | 3623    |
| <b>Examiner</b>             | SUSANNA M. MEINECKE DIAZ                     | <b>Customer No.</b>   | 23669   |
| <b>Application Title</b>    | APPARATUS FOR MERCHANDISE PRICE OPTIMIZATION |                       |         |
| <b>First Named Inventor</b> | PHIL DELURGIO                                |                       |         |

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL**

**VIA FACSIMILE: 571-273-8300**

Mail Stop **RCE**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached hereto is Form PTO-1449 listing documents believed relevant to the subject application. It is respectfully requested that the examiner review the information disclosed herein in detail, independently evaluate each item carefully in the consideration of the pending claims, and return an initialed copy of each form to the undersigned practitioner.

This disclosure statement should not be construed as a representation that a search has been made, that no other material information as defined in 37 CFR 1.56(a) exists, or as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR 1.56(b) or is available as a reference under 35 U.S.C. §102 *et seq.* Applicant reserves the right to swear behind or otherwise disprove the alleged "prior" nature of any art cited should the facts support and the situation warrant such an action.

It is believed that this disclosure complies with the requirements of 37 CFR 1.56, 1.97, and 1.98, and the Manual of Patent Examining Procedures §609. If for some reason the examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

Some of the enclosed documents may have markings thereon. No significance is intended to be attached to the markings.

I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date of signature shown below.

Respectfully submitted,  
**HUFFMAN PATENT GROUP, LLC**

*/ Richard K. Huffman /*

By: \_\_\_\_\_

**RICHARD K. HUFFMAN, P.E.**  
Registration No. 41,082  
Tel: (719) 575-9998

*12/27/2005*

Date: \_\_\_\_\_

PTO/SB/08A (08-03)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|  |   |    |   |                          |                          |
|--|---|----|---|--------------------------|--------------------------|
| Substitute for form 1449/APTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                          |
|  |   |    |   | Application Number       | 09/849168                |
|  |   |    |   | Filing Date              | 05/04/01                 |
|  |   |    |   | First Named Inventor     | Phil Delurgio            |
|  |   |    |   | Group Art Unit           | 3623                     |
|  |   |    |   | Examiner Name            | Susanna M. Meinecke Diaz |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | DT.0101                  |

| U.S. PATENT DOCUMENTS |                       |  |                                |  |   |
|-----------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant Figures<br>Appear |
|                       |                       | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       |                       | 6826538                                  | 11-30-2004                     | Kalyan et al.                                      |   |
|                       |                       | 20020116348                              | 08-22-2002                     | Phillips et al.                                    |   |
|                       |                       | 6731998                                  | 05-04-2004                     | Walser et al.                                      |   |
|                       |                       | 6934931                                  | 08-23-2005                     | Plumer et al.                                      |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |
|                       |                       |  |                                |  |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                                |  |   |                |
|--------------------------|-----------------------|---|--------------------------------|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |
|                          |                       |   |                                |  |   |                |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.